

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1952

PUBLIC FUNDS: CERTAIN EXPENDITURES PROHIBITED

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

PUBLIC FUNDS: CERTAIN EXPENDITURES PROHIBITED California Proposition 10 (1952).
http://repository.uchastings.edu/ca_ballot_props/529

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

The purpose of the exemption of churches from taxation is to encourage the establishment and development of churches in this State. In view of this purpose, a discrimination between churches in the course of construction and those completed and being used for religious worship has no reasonable basis. Such a dis-

crimination discourages rather than encourages the establishment and development of churches. A "yes" vote on this proposed amendment is recommended to eliminate this unfair discrimination.

HAROLD K. LEVERING
Assemblyman, 60th Assembly District

TAXATION: COLLEGE BUILDINGS UNDER CONSTRUCTION.

9

Senate Constitutional Amendment No. 26. Amends Section 1a of Article XIII of Constitution. Extends nonprofit college property tax exemption, now applied to buildings in actual use for educational purposes, to include buildings during course of construction if intended to be used exclusively for educational purposes. Applies to buildings in course of construction in March, 1950, and thereafter.

YES

NO

(For Full Text of Measure, See Page 10, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would extend an existing tax exemption of property of a nonprofit educational institution of collegiate grade, to a building of such an institution in the course of construction on or after the first Monday in March, 1950, and intended on completion to be used exclusively for the purposes of education.

Argument in Favor of Senate Constitutional Amendment No. 26

The adoption of this amendment would further the purpose of the present constitutional amendment exempting from taxation buildings which are used exclusively for the purposes of education, by expressly including within the exemption buildings in the course of construction. For many years, prior to 1950, college buildings, regardless of whether completed or in the process of construction, were exempt from taxation.

As a result of certain language in a decision of the California Supreme Court (in a case construing the hospital exemption) certain tax officials, commencing in 1950, have taxed college buildings which were not completed on tax day (that is, the first Monday of March of each year)

In other words, because of this Supreme Court decision tax officials have ruled that to be entitled to the exemption a building must actually be in use on tax day and thus must be completed. The result has been that college buildings under construction on tax day have been taxed, although the buildings may be substantially completed and even though when completed and used for education the same buildings are exempt.

The purpose of the exemption of college buildings from taxation is to encourage the establishment and development of educational institutions of collegiate grade in this state. In view of this purpose the discrimination between buildings in the course of construction and those completed and being used for education has no reasonable basis. This discrimination discourages rather than encourages the establishment and development of educational institutions of collegiate grade. A "yes" vote on this proposed amendment is recommended in order to clarify the exemption and to assure the elimination of this illogical and unfair discrimination.

JACK B. TENNEY
Senator, 38th District

PUBLIC FUNDS: CERTAIN EXPENDITURES PROHIBITED.

10

Initiative Constitutional Amendment. Adds Section 31½ to Article IV of Constitution. Prohibits (and provides that Constitution has always prohibited) appropriation or expenditure of public money to California State Chamber of Commerce, any local chamber of commerce, County Supervisors Association, or any other private organization which attempts to influence legislation. Directs Attorney General to recover all public money hitherto or hereafter expended in violation of such prohibition. Provides that future operation of this prohibition shall not be affected if retroactive application is held invalid.

YES

NO

(For Full Text of Measure, See Page 10, Part II)

Analysis by the Legislative Counsel

This initiative constitutional amendment declares that the Constitution now prohibits, and has always prohibited, the paying of any public money to the California State Chamber of Commerce, any local chamber of commerce, the County Supervisors Association, or any other private corporation, association, or organiza-

tion which attempts in any manner to influence federal, state, or local legislation.

The measure states that any public money which has been paid to the above-mentioned organizations in the past has been unlawfully paid and directs the Attorney General of California to take action to recover for the people all such money as well as any public money which might hereafter be paid to such organizations.

It provides that in the event a court should hold that the Attorney General may not lawfully recover public money which has been paid to such organizations in the past, such a decision shall not prevent action to recover money paid in the future in violation of the provisions of the measure.

Argument in Favor of Initiative Proposition No. 10

VOTE YES on Proposition No. 10.

One of the biggest steals put over on an unsuspecting public is that of the diversion of millions of dollars of tax funds each year to the support of the state and local chambers of commerce.

About \$3,000,000.00 a year is turned over by your County Boards of Supervisors and City Councils into the pockets of the promoters of the chambers of commerce and other privately controlled organizations which use much of it to influence legislation and cause public officials to do their bidding.

The original Chambers of Commerce outlived their usefulness after their purpose was accomplished years ago. However, self-perpetuating promoters moved in and took over believing that in the Chambers they had a new political gimmick with which they could usurp power.

SOME YEARS AGO THEY SENT WELL-PAID LOBBYISTS TO SACRAMENTO WHO SECRETLY PUT OVER A BILL ALLOWING 4¢ OUT OF EVERY \$100 ASSESSED VALUATION ON ALL REAL PROPERTY TO BE SET ASIDE AND GIVEN TO CHAMBERS OF COMMERCE. IF THIS SPECIAL TAX DOES NOT RAISE SUFFICIENT MONEY TO SATISFY THESE PROMOTERS, OTHER THOUSANDS OF YOUR TAX DOLLARS ARE TURNED OVER TO THEM.

No other State permits such misuse of public funds by privately controlled organizations over which the electorate has no control whatsoever.

OVER \$40,000,000.00 DURING THE PAST YEARS HAS BEEN TAKEN FROM MUCH NEEDED PUBLIC HOSPITALS, PLAYGROUNDS, SCHOOLS AND RELIEF OF THE POOR AND GIVEN TO THE CHAMBERS OF COMMERCE WHO HAVE BUILT A POLITICAL ORGANIZATION WHICH MAKES THE OLD PENDERGAST AND TAMMANY POLITICAL MACHINES LOOK LIKE GARDEN PARTIES.

The policies of many newspapers are dictated by these political bosses—whose control reaches into every phase of public life in California.

Not even the rank and file membership of the Chambers of Commerce know the extent of the Chambers' influence over public, private and civic groups, much less how much of their tax money plus their membership money is used for entertainment and politicking instead of the civic purpose for which use they are proclaimed.

The officials of the Chambers of Commerce are not responsible to the people—therefore they have no right to the people's money. History shows that similar diversions of public money have brought about communism and dictatorship.

This measure stops the grab of public monies by privately controlled organizations who use it to lobby against labor, veterans, the aged and blind, public employees, schools, homeowners and other county taxpayers.

Reading the simple one paragraph of this proposed amendment in the back of this pamphlet proves that it does not prohibit the counties or cities from advertising their resources. Nor does it prohibit the Chambers of Commerce from doing anything they please. BUT IT DOES PROHIBIT THEM AND OTHER PRIVATELY CONTROLLED ORGANIZATIONS

FROM PLAYING POLITICS WITH OUR TAX MONEY.

Vote YES on Proposition No. 10.

RICHARD RICHARDS
Chairman, L. A. Democratic
County Central Committee

JOHN S. BARCOME
Member and former Chairman,
L. A. Republican County
Central Committee

GEORGE McLAIN
Chairman, California Institute
of Social Welfare

Argument Against Initiative Proposition No. 10

Every Californian who believes in common sense will vote "NO" on Proposition No. 10.

Proposition No. 10 would bring no benefits to people on the pension rolls or to anyone else. It is a retaliatory measure, pure and simple, conceived by pension promoter George H. McLain as a political blackjack to punish civic groups and organizations that have had the courage to stand up against him and his political clique.

Proposition No. 10 would deny the use of tax funds to semi-public organizations which testify before legislative bodies. It specifically names the California State Chamber of Commerce, all local Chambers of Commerce and the County Supervisors Association, and it would affect many other semi-public, privately managed groups and organizations.

If Proposition No. 10 became law, many worthwhile projects and programs which these organizations have carried on for years in the public interest would have to be abandoned or drastically curtailed.

The tremendously successful Chamber of Commerce efforts to bring new industry, jobs and payrolls to California communities would be seriously hampered.

The splendid 4-H Club youth-building program jointly sponsored by the California Farm Bureau Federation and the University of California Extension Service would be placed in jeopardy.

Matching State funds now provided the Rehabilitation Programs of the major Veterans organizations would be denied.

Promotion of California's multi-million dollar tourist and convention industry would be imperiled.

Because the provisions of Proposition No. 10 are so sweeping, competent legal opinion believes that court tests would be necessary to determine whether teachers and other public employees would be prohibited from belonging to PTA or other organizations which occasionally endorse or oppose legislative proposals.

California needs its Chambers of Commerce, its tourist promotion bodies and other semi-public organizations. Without them, State and local governments would have to set up, and maintain, at far greater expense, entirely new departments to attempt to provide the same vitally necessary services.

Common sense and common decency demand the overwhelming defeat of the McLain blackjack initiative. VOTE "NO" on PROPOSITION NO. 10.

RALPH TAYLOR
Executive Secretary, Agricultural
Council of California

JOHN HOME
Past Commander, American Legion,
Department of California

WALTER SWANSON
Vice-President and General Manager,
San Francisco Convention and
Tourist Bureau

TAXATION: CHURCH BUILDINGS UNDER CONSTRUCTION.**8**

Assembly Constitutional Amendment No. 29. Amends Section 11½ of Article XIII of Constitution. Extends to church building during course of construction, as well as land on which building is situated, the same tax exemption as is now provided for buildings and land in actual use as places of religious worship.

YES**NO**

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said

buildings, when the same are used solely and exclusively for religious worship, or, in the case of a building in the course of erection, the same is intended to be used solely and exclusively for religious worship, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

TAXATION: COLLEGE BUILDINGS UNDER CONSTRUCTION.**9**

Senate Constitutional Amendment No. 26. Amends Section 1a of Article XIII of Constitution. Extends nonprofit college property tax exemption, now applied to buildings in actual use for educational purposes, to include buildings during course of construction if intended to be used exclusively for educational purposes. Applies to buildings in course of construction in March, 1950, and thereafter.

YES**NO**

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 1a. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall be exempt from taxation its build-

ings and equipment, its grounds within which its buildings are located, not exceeding 100 acres in area, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March, 1950, if the same is intended when completed to be used exclusively for the purposes of education.

PUBLIC FUNDS: CERTAIN EXPENDITURES PROHIBITED.**10**

Initiative Constitutional Amendment. Adds Section 31½ to Article IV of Constitution. Prohibits (and provides that Constitution has always prohibited) appropriation or expenditure of public money to California State Chamber of Commerce, any local chamber of commerce, County Supervisors Association, or any other private organization which attempts to influence legislation. Directs Attorney General to recover all public money hitherto or hereafter expended in violation of such prohibition. Provides that future operation of this prohibition shall not be affected if retroactive application is held invalid.

YES**NO**

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Section 31½. Section 31 of this article prohibits, and has at all times prohibited, the appropriation or expenditure of any public money to or for the California State Chamber of Commerce, any local chamber

of commerce, the County Supervisors Association of California, Incorporated, or any other private corporation, association, or organization which attempts in any manner to influence federal, state, or local legislation. The Attorney General shall take action to recover for the people all public money hitherto or hereafter appropriated or expended in violation of Section 31 of this article.

If the retroactive application of this section is held invalid, the prospective application shall not be affected thereby.